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[www.michigan.gov/ohsp](http://www.michigan.gov/ohsp)

## New teen driving law creates life-saving restrictions

As of March 30, 2011, teenage drivers with a Level 2 license under the Graduated Driver Licensing (GDL) program must comply with new driving restrictions, including limits on the number of passengers in a vehicle and shorter nighttime driving hours.

In the last five years, approximately 24 percent of young driver fatal crashes in Michigan occurred in the dark on unlit roads. In addition, studies have shown a teen driver's risk of a fatal crash increases exponentially with each additional passenger. A teen driver with three passengers is three-times more likely to crash than a teen driving alone.

To encourage awareness and compliance with the new potentially life-saving restrictions, the Office of Highway Safety Planning launched a public awareness campaign featuring billboards, television

and radio public service announcements, posters, and brochures.

The campaign encourages parents and teens to remember *First & 10: Don't exceed your first passenger and don't drive after 10 p.m.*, and includes the web site, [www.firstn10.com](http://www.firstn10.com), to more fully explain the restrictions.

The new requirements prohibit Level 2 license holders from having more than one, under 21-year-old passenger unless the individual is a member of the driver's

immediate family, or the driver is traveling to or from school or a school-sanctioned event.

In addition, Level 2 license holders may not drive between 10 p.m. and 5 a.m. unless traveling to or from employment, or accompanied by a parent, legal guardian, or licensed driver over 21 years old designated by a parent or legal guardian.

A Level 2 license holder must be at least 16 years old and have successfully completed Segment 1 and 2 of a driver's education program approved by the Michigan Department of State, as well as passed a driving skills test and possess a skills test certificate. A teen driver cannot have a crash or violation in the ninety days prior to applying for a Level 2 license.



## Annual *Click It or Ticket* campaign starts May 23

More than 200 law enforcement agencies from thirty-five counties will continue the spring tradition of seat belt enforcement by taking part in the *Click It or Ticket* campaign May 23-June 5.

*Click It or Ticket* is a national mobilization where officers across the country will take to the streets focusing on unbuckled motorists utilizing daytime seat belt enforcement zones and nighttime roving patrols.

In Michigan, the campaign will be supported by new television, radio, cable and, internet advertising, funded through federal traffic safety dollars.

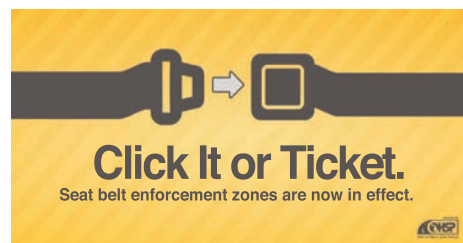
Michigan law requires all drivers, front seat passengers, and passengers 15 and younger in any position in the vehicle to be buckled up.

Children must be in a car seat or booster seat until they are 8 years old or 4'9" tall, whichever comes first.

In 2010, Michigan's seat belt use rate was 95.2 percent, down from a record high of 97.9 percent.

Participating counties include: Allegan, Barry, Bay, Berrien, Calhoun, Cass, Chippewa, Clinton, Eaton, Genesee, Grand Traverse, Houghton, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lenawee,

Livingston, Macomb, Marquette, Monroe, Montcalm, Muskegon, Newaygo, Oakland, Ottawa, Saginaw, St. Clair, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford.



# SAFETY Network

## Michigan driver's licenses to sport new look



Standard Michigan driver's licenses and state identification cards began featuring a new look and added security features when they started circulating in March.

Secretary of State Ruth Johnson said the state's new contract with its license card manufacturer provided a good opportunity to add the new security features, which make creation of fraudulent licenses even more difficult.

include:

- The state's Great Seal on the front viewable under black light.
- Tricolor image of a bridge on the front that appears and disappears when viewed from different angles.
- New two-dimensional bar code on the back with encoded information available for law enforcement use, in addition to the existing magnetic stripe and one-dimensional bar code.

The basic look of the new license and ID card includes an intricate line pattern and outline of the state of Michigan with the Great Lakes. If a person has joined the Michigan Organ Donor Registry, a red heart symbol and the word "Donor" will appear on the lower portion of the card.

Features of the new license and ID card

- Cardholder's photo and date of birth also on the back viewable under black light.
- Laser-perforated word "MICH" on it.

People who are younger than 21 will continue to be issued a vertical-format license or ID card. People who are 21 years old and older will receive the traditional horizontal version.

Because licenses and ID cards are valid for four years, the existing card design will remain in circulation through 2015, with some vertical Graduated Driver License cards in circulation through 2016. Cardholders will be issued a new license when they renew or if they need to replace a lost or damaged card.

The cost of a license and ID card will not change. The design of the license and ID card was last updated in 2003 when the smaller half-tone cardholder photo was added. The new standard license and ID cards do not contain radio-frequency identification chips.

## Kaleva woman Saved by the Belt

A northern Michigan woman survived being struck by a drunk driver on snowy roads thanks to her decision to buckle up.

Sheila Riewe of Manistee County's Kaleva was returning home from work on January 17 and was getting ready to turn off from US-31 onto 9 Mile Road when a drunk driver in a pickup truck slid sideways into her lane. The front end of Riewe's car slid under the pickup, pushing it back and causing the

windshield to push into the dashboard and almost into the steering wheel.

Riewe suffered several broken bones including a wrist, ankle, toes, and fingers. She was nominated for the Saved by the Belt award by Sergeant Scott Soper of the Manistee County Sheriff's Office. Sergeant Soper stated, "It is my opinion that the seat belt saved her from extensive face and head injuries or even death."





# SAFETY Network



## A successful Summit and celebrating 70 years of traffic safety in Michigan

*Michael L. Prince, Director, Office of Highway Safety Planning*

### THANK YOU ALL FOR A SUCCESSFUL SUMMIT

I would like to extend my appreciation to all of the speakers and attendees who made this year's Michigan Traffic Safety Summit such a success. Thanks also to Governor Rick Snyder who took time out of a very busy "new Governor" schedule to be at the annual Governor's Traffic Safety Advisory Commission Traffic Safety Awards Luncheon to offer his best wishes to the honorees and provide his encouragement to everyone in attendance to keep up the good work.

I want to particularly thank the Office of Highway Safety Planning staff who devoted a great deal of time, commitment, and energy to ensure that our guests' needs were met and that our attendees had an enjoyable and beneficial Summit experience. Special thanks to our Conference Committee for their leadership on this year's event including Conference Chair Kathy Farnum, GTSAC Awards Committee Chair Lynn Sutfin, Event Coordinator Alyson Kechkaylo, AV Coordinator Jason Hamblen, and Exhibiting Coordinator Melody Kindraka. There were so many little details you addressed, that most people were not aware of, which contributed to making this a successful event. Thank you! You are all simply the best at what you do.

### STATE TRAFFIC SAFETY COMMISSION CELEBRATES 70 YEARS

On June 16, 2011, the Governor's Traffic Safety Advisory Commission (GTSAC), previously known as the Michigan State Safety Commission, will celebrate 70 years of contributions to Michigan's traffic safety efforts. Prior to creation of the commission, traffic crashes had increased in dramatic fashion from 1,730 in 1940 to 2,133 in

1941, resulting in calls for action. The creation of the original Michigan State Safety Commission was signed into law as Public Act 188 on June 16, 1941, by Governor Murry D. Van Wagoner.

The first meeting of the new commission took place on January 6, 1942, just a month following the United States entry into World War II. The meeting was held in the Olds Hotel in downtown Lansing, just a few blocks from our office's current location in the new Michigan State Police headquarters. In attendance was Governor Van Wagoner, Secretary of State Harry Kelly, Superintendent of Public Instruction Eugene B. Elliott, State Highway Commissioner G. Donald Kennedy, State Police Commissioner Oscar G. Olander, and Executive Secretary Maxwell Halsey, State Administrator of War Transportation.

Issues addressed at this first meeting were heavily influenced by the war and were quite different than today's commission meetings. The topics then included gasoline rationing and ride sharing programs in support of the war effort.

Some of the commission's notable achievements since 1941 include:

**1943:** The commission focuses on tire safety issues resulting from blowouts caused by the necessity to run tires on vehicles for longer periods to conserve rubber in support of the war effort;

**1945:** The commission launches a statewide brake campaign "You're Only a Foot Away from Trouble, Check Your Brakes." The program includes distribution of materials through Departments of Highways, State, State Police, and Public Instruction;

**1949:** The commission launches a Holiday Hazards program which included meetings with owners of taverns and bars to put cards in place carrying the mes-

sage "If You're Driving, Take It Easy" and a radio public service announcement that included the message, "When it's evident that a friend of yours is listing slightly, don't let him drive his car, send him home with a sober driver or call a cab";

**1953:** The commission appoints 345 high school driver education instructors as area safety contacts who regularly distribute public information materials describing statewide safety programs;

**1964:** The commission sponsors a voluntary vehicle inspection program with more than 86,000 Michigan motorists in ninety-six communities bringing vehicles through inspection lanes (nearly 20 percent were defective in some way);

**1967:** The commission establishes the Motor Vehicle Accident Review Board and Motor Vehicle Accident Prevention Program;

**1971:** The commission convenes a State Safety Conference on the Problem Driver and Traffic Safety which resulted in the development of twenty-six recommendations including the call for safety belt use legislation;

**1973:** The commission convenes the first ever Cycle Safety Conference to study how bicycles and motorcycles can safely coexist with cars and trucks in Michigan;

**1982:** The commission forms the Michigan Coalition for Safety Belt Use to boost voluntary safety belt use and encourage legislation requiring mandatory use;

**1987:** The commission convenes the Governor's Conference on Traffic Safety which developed 250 recommendations for traffic safety improvements, including forty-eight high-priority recommendations;

*Continued on page 4 >*

# SAFETY Network

Continued from page 3 >

**1991:** Michigan History Magazine publishes "From Mud to Microchips – Sharing the Road Safely Through the Decades" in recognition of the 50th anniversary of the Michigan State Safety Commission;

**2001:** The commission establishes the Richard H. Austin Award for long-term contributions to traffic safety, in honor of Michigan's legendary traffic safety advocate and longest serving Secretary of State in Michigan history;

**2002:** Governor John Engler renames the Michigan State Safety Commission the Governor's Traffic Safety Advisory Commission (GTSAC), adding three additional appointments for representatives from local units of government;

**2004:** The GTSAC creates the state's first Strategic Highway Safety Plan, a product of collaboration of local, county, state, and federal traffic safety partners.

Over the course of the last seventy years, the commission, which was the first of its kind in the nation, has been instrumental in providing leadership and a vision for keeping highway traffic safety at the forefront in our state. This year, calls have been made nationally to cut traffic fatalities by half within the next twenty years. While that may seem like a tall order, we nearly did it once already. Between 1990 and 2009, traffic fatalities in Michigan declined from 1,563 to 871, a decline of more than 44 percent. The future holds even more promise with vehicle-to-vehicle and vehicle-to-infrastructure technology, and advancements in behavioral safety programming, emergency medicine, and roadway and vehicle engineering. We look forward to the GTSAC's continuing contributions to highway traffic safety in our state in the years ahead.

(Special thanks to Michigan History Magazine, "From Mud to Microchips, Sharing Road Safety Through the Decades" for contributions to this article.)

## Twelve Traffic Safety Awards presented at MACP conference

Twelve Michigan law enforcement agencies earned 2010 Awards for Excellence in Traffic Safety from the Michigan Association of Chiefs of Police, the Michigan Office of Highway Safety Planning (OHSP), and AAA Michigan. Additionally, the Troy Police Department was named Grand Prize Winner in the annual competition.

The awards recognize the outstanding commitment the winning law enforcement agencies have made during the previous year to promote overall traffic safety. Programs are judged on four components: the scope and duration of the project, the complexity or difficulty of the project, the degree of innovation involved, and the results achieved. Forty-one applications were received for this year's competition.

The winning agencies received a plaque from AAA Michigan and will share \$80,000 in federal traffic safety funds from OHSP to purchase traffic safety equipment or enhance local traffic enforcement efforts. The 2010 award winners are:

- Baroda-Lake Township Police Department
- Berrien Springs Police Department
- Memphis Police Department
- Michigan State Police Jackson Post
- Michigan State Police Lansing Post
- Michigan State Police Munising Post
- Michigan State Police Rockford Post
- Michigan State University Department of Public Safety
- Milan Police Department
- St. Joseph County Sheriff's Office
- Troy Police Department
- Van Buren Township Police Department

## GHSA seeking nominations for traffic safety awards

Each year, the Governors Highway Safety Association (GHSA) recognizes various organizations and individuals for achievements in the field of highway safety. GHSA is soliciting nominations for its 2011 awards. All award nominations must be completed online no later than June 10. Awards will be presented at GHSA's Annual Meeting in Cincinnati, Ohio, September 25-28.

The three award categories are:

- The James J. Howard Highway Safety Trailblazer Award is GHSA's highest award and honors an individual for sustained outstanding leadership in endeavors that significantly improve highway safety.
- The Peter K. O'Rourke Special Achievement Award recognizes notable achievements during the prior calendar year in the field of highway safety by individuals, coalitions, organizations, nonprofit

groups, businesses, government agencies, universities, or programs. Up to five awards are presented each year.

- The Kathryn J.R. Swanson Public Service Award is GHSA's newest award and honors an individual who has made notable improvements in the management or implementation of a highway safety program or policy, or provided outstanding service to GHSA, federal safety agencies, or other national highway safety organizations.

For more information or to access the nomination forms, visit: [www.ghsa.org/html/meetings/awards/11.solicitation.html](http://www.ghsa.org/html/meetings/awards/11.solicitation.html).



# SAFETY Network

## 16th Annual Michigan Traffic Safety Summit attended by over 400

More than 400 people attended the 16th Annual Michigan Traffic Safety Summit at the Kellogg Hotel & Conference Center in East Lansing, March 22-24. The conference, sponsored by the Office of Highway Safety Planning and largely supported by federal traffic safety funds, offered the latest information on the four E's of traffic safety – enforcement, education, engineering, and emergency medical services.

General session speakers included:

- **Patrick A. Mead**, Ph.D., Senior Minister, Rochester Church of Christ
- **Mark Menestrina**, M.D., FASAM, Medical Director, Detox Unit, Brighton Hospital
- **David A. Morena**, Highway Safety Specialist, Federal Highway Administration, Michigan Division

• **Joseph S. Toole**, Associate Administrator for Safety, Federal Highway Administration, Washington, D.C.

• **Jack Torry**, Washington Correspondent, Columbus Dispatch, Washington D.C.

• **Deborah Trombley**, Senior Program Manager, Transportation Initiatives, National Safety Council, Itasca, Illinois

Participants also learned about distracted driving, new traffic laws, winter driving, pedestrian safety projects, senior transportation education and awareness, cable barriers, commercial motor vehicles, the new Datamaster, and traffic records.

Presentations from the event can be viewed at [www.michigan.gov/ohsp](http://www.michigan.gov/ohsp).

## Fatal intersection crashes declining

A study by the National Safety Council (NSC) reports that fatal crashes at intersections with traffic lights decreased by 17 percent and fatal crashes at intersections involving red-light running decreased by 27 percent from 2005 to 2009.

The study analyzed fatal crash data in all fifty states plus the District of Columbia, using statistics from the National Highway Traffic Safety Administration.

Despite the improvement, there were still 12,396 fatal crashes at intersections with traffic lights, including 4,394 fatal intersection crashes involving red-light running during that five-year period, said Janet Froetscher, NSC's president & CEO.

## Hengesbach joins OHSP staff

Janet Hengesbach joined the Office of Highway Safety Planning (OHSP) in March as the executive assistant to the OHSP director.



Hengesbach has been with the Michigan State Police since August 2004, and worked in the State 9-1-1 Administrative Office before her promotion at OHSP.

Prior to that, she spent two years at the Department of Agriculture's William C. Geagley Laboratory as a lab secretary. And before joining state government, Hengesbach spent twenty-one years in the automotive industry as executive secretary to the owner of a large General Motors dealership in the Lansing area.

As the OHSP executive assistant, Hengesbach also serves as the executive secretary for the Governor's Traffic Safety Advisory Commission and the Michigan Truck Safety Commission.



*Governor Rick Snyder spoke at the Governor's Traffic Safety Advisory Commission awards luncheon which was held during the 16th Annual Michigan Traffic Safety Summit.*



# SAFETY Network

## GTSAC presents 2010 traffic safety awards

The Governor's Traffic Safety Advisory Commission (GTSAC) honored nine individuals and agencies at the group's annual awards luncheon March 23 at the Kellogg Conference Center in East Lansing.

Each year the commission honors organizations, programs and individuals for outstanding contributions to traffic safety. The awards luncheon was part of the 16th Annual Michigan Traffic Safety Summit. Six traffic safety and three long-term awards were presented.

**Kristie Backus** of Escanaba was honored for her many years of dedication to child passenger safety (CPS). She has volunteered at more than fifty CPS events across the Upper Peninsula, ensuring that hundreds of young children are riding safely.

**Country Elementary Safe Routes to School Committee** of Pinckney was honored for providing safe opportunities for students to walk and bike to school through Walk to School days and "bike buses" which allowed students to bike to school under the supervision of an adult volunteer. More than 150 students participated in these activities.

Kent County Sheriff's Department Deputy **Timothy Erhardt** was honored for initiating a distracted driving awareness program among Kent County high schools that encourages students to create messages about the dangers of dis-

tricted driving. Eleven schools with more than 12,000 students are involved in the program.

Safe Kids North Shore coordinator **Jennifer Froehlich-Ritter** was honored for ensuring the sustainability of the Safe Kids North Shore Coalition by recruiting a diverse membership of volunteer agencies and tracking the CPS certifications of the coalition's technicians, leading to a 90 percent recertification rate.

**The Michigan Department of State Police Lansing Post** was honored for a teen driving awareness effort that included enforcement around area high schools. Officers were encouraged to educate teens about the traffic violation they were stopped for as opposed to issuing a citation. Teens were also asked to have their parents contact the officer about the violation.

The **Outdoor Advertising Association of Michigan** was honored for donating twenty-four billboards to make drivers aware of the ban on texting while driving and seventeen boards to promote the November Operation C.A.R.E. holiday traffic enforcement campaign.

### 2010 RICHARD H. AUSTIN AWARDS

Richard H. Austin Long-Term Traffic Safety Awards are presented to individuals or organizations who have made significant long-term contributions to the field of traf-

fic safety. The following three awards were presented:

The **Michigan Department of State Police Forensic Science Division Toxicology/Blood Alcohol Unit** analyzes blood, urine, and other biological samples for the presence of alcohol and drugs.

The unit services the entire state with nine forensic scientists who analyze more than 15,000 cases per year for alcohol and more than 5,000 cases annually for drugs, two to three times the national average for publicly funded toxicology labs. In addition, each scientist is called to testify as many as forty times per year as an expert witness on issues of pharmacology and impairment at courts across Michigan.

The unit also supports MSP's breath alcohol program with laboratory research and scientific testimony related to breath alcohol cases. Despite these demands on their time, turnaround time on samples compares favorably with other labs across the country and lab staff testimony is presented professionally, coherently, and in terms jurors grasp.

For nearly thirty-five years, **Jeffery Mitchell** has served the citizens of Van Buren County as a member of the Van Buren County Road Commission. From his days as a road maintenance employee and seal coat foreman to his current position of special operations officer, Mitchell has

*Continued on page 7 >*



GTSAC Awards Committee Chair Lynn Sutfin and First Lieutenant Ed Hay of the Michigan State Police Lansing Post.



GTSAC Awards Committee Chair Lynn Sutfin and John Calvert of the Country Elementary Safe Routes to School Committee.



Deputy Timothy Erhardt was honored for the Kent County Sheriff's Department distracted driving program.

# SAFETY Network

*Continued from page 6 >*

dedicated his life to improving traffic safety.

Mitchell is an expert traffic crash reconstructionist and can be found at crash scenes, day or night, holidays and weekends, working to find out why a crash occurred and how to prevent future crashes from happening.

A man of many hats, Mitchell also serves as the county traffic engineer in charge of traffic control orders, county weigh master, a member of the Emergency Management Division of Van Buren County, and a board member of the West Michigan Trails & Greenways Coalition.

One of his most recent endeavors to improve traffic safety is the Education Prevention of Impaired Crashes (EPIC) program. The program involves eleven high schools and includes a seat belt challenge, seat belt convincer, Fatal Vision Goggles,

and a battery-operated Global Electric Motorcar. Belt use has increased from 80 to 99 percent among the students and more than 3,000 students have participated in EPIC presentations.

For fourteen years, Michigan State Police (MSP) Sergeant **Sharron VanCampen**, ensured the state's school bus fleet of 17,000 buses was safely transporting students to and from school through the MSP School Bus Inspection Program. During her tenure as supervisor and coordinator of the school bus inspection program, 100 percent of the state's school buses were inspected each year by a team of nine vehicle safety inspectors.

VanCampen streamlined the data collection system to ensure all buses were accounted for and received the required annual inspection. The system she developed has been used to report the

inspection results to the legislature, media, and school districts throughout Michigan.

VanCampen has also worked diligently to educate transportation providers, school bus drivers, enforcement agencies, and parents on school bus safety features, mainly why school buses are not required to have seat belts. Compartmentalization, although once confusing, is now widely known throughout the state because of her presentations.

Her work has also been acknowledged nationally, as VanCampen was invited to chair the writing committee for the 15th National Congress for School Transportation.



Secretary of State Ruth Johnson and Dr. Michele Glinn of the Michigan Department of State Police Forensic Science Division Toxicology/Blood Alcohol Unit.



Tom Carroll of CBS Outdoor and GTSAC Awards Committee Chair Lynn Sutfin. Carroll accepted the award for the Outdoor Advertising Association of Michigan.



Secretary of State Ruth Johnson and Michigan State Police Sergeant Sharron VanCampen.



GTSAC Awards Committee Chair Lynn Sutfin and Safe Kids North Shore Coordinator Jennifer Froehlich-Ritter.



Secretary of State Ruth Johnson and Jeffery Mitchell of the Van Buren County Road Commission.





# SAFETY Network

## OHSP traffic safety campaigns honored for creativity

The Office of Highway Safety Planning has recently been honored with several awards by the Mid-Michigan Creative Alliance and the Central Michigan Public Relations Society of America. These awards were for creative work on various traffic safety campaigns including booster seat use, the ban on texting and driving, motorcycle rider safety, and the Michigan State Police Operation C.A.R.E campaign. OHSP was assisted in these campaigns by creative firm Pace & Partners of Lansing. Awards include:

- Mid-Michigan Merit Award for outdoor "Just as Dangerous" booster seat campaign
- Mid-Michigan Merit Award for outdoor "Txt back L&R" texting law campaign
- Mid-Michigan Gold Addy for campaign "Give Thanks. Drive Safely." MSP Thanksgiving Operation Care
- Mid-Michigan Gold Addy for Television "Good and Bad" MSP Thanksgiving Operation CARE
- Mid-Michigan Gold Addy for Television Thumbs on the Wheel" for texting law campaign

- Mid-Michigan Gold Addy for Television "Just as Dangerous" booster seat campaign
- Mid-Michigan Gold Addy for outdoor "Leftovers" MSP Thanksgiving Operation CARE
- Mid-Michigan Silver Addy for campaign "Just as Dangerous" booster seat campaign
- Central Michigan PRSA PACE Awards: Pinnacle Award Integrated Communications for "Thumbs on the Wheel" texting law campaign
- Central Michigan PRSA PACE Awards: Pinnacle Award Television PSA for "Just as Dangerous" booster seat campaign
- Central Michigan PRSA Pace Awards: Award of Excellence Creative Tactics for Operation CARE e-card
- Central Michigan PRSA PACE Awards: Award of Achievement for "Just as Dangerous" booster seat radio PSA
- Central Michigan PRSA PACE Awards: Award of Excellence Public Service for "Ride Safe to Ride Again," motorcycle campaign

## USDOT issues new rule to reduce partial and complete vehicle ejections

U.S. Transportation Secretary Ray LaHood recently announced a final rule aimed at decreasing occupant ejections in passenger vehicles. The new U.S. Department of Transportation standard, which will help reduce the number of people partially or completely ejected through side windows during rollover crashes, will begin phasing in during 2013.

Under the new rule, issued by National Highway Traffic Safety Administration (NHTSA), vehicle manufacturers must develop a countermeasure for light passenger vehicles under 10,000 pounds that prevents the equivalent of an unbelted adult from moving more than four inches past the side window opening in the event of a crash. The new standard will begin phasing in during 2013 - all newly manufactured vehicles will be required to provide this protection by model year 2018.

When fully implemented, NHTSA estimates the standard will prevent on average 373 fatalities and 476 serious injuries each year.

The rule is part of NHTSA's initiative to improve the overall safety for occupants in the event of a rollover crash. Previously, the agency issued rules requiring that all new vehicles come equipped with electronic stability control to keep vehicles from losing control and also upgraded its roof crush standard to keep the occupant compartment intact.



## MLCC approves sale of reformulated flavored malt beverages in Michigan

The Michigan Liquor Control Commission (MLCC) recently announced that certain flavored malt beverages, recently banned in Michigan, have been reformulated and are now back on the Michigan market. The

specific beverages, including Four Loko, have been reformulated by removing all stimulants, such as caffeine, taurine, and guarana, but still have similar labels and a similar price-point.

The MLCC remains concerned about the volume of alcohol in these types of products. The concern is that the cans are typically 23.5 ounces in size with an alco-

hol volume as high as 12 percent, making one beverage equivalent to approximately two or three beers with a price point of \$1.99-\$2.99 per can.

The commission is advising parents and adults to continue to take precautions since they still look like energy drinks and urging college students to use common sense while drinking these popular drinks.



# SAFETY Network

## Why commercial vehicle driver safety in Michigan is so important

By Kenneth Stecker, Traffic Safety Resource Prosecutor, Prosecuting Attorney's Association of Michigan



Each year, commercial truck drivers log millions of miles on the highways of the United States. Sadly, along the way, thousands of these vehicles are involved in crashes causing property damage, injury, and death.

One of these tragic cases involving a truck driver occurred in 2006. A truck driver from Canton, Michigan fell asleep at the wheel after exceeding his federal hours of service limits by nine hours. The crash killed four students and a staff member from Taylor University.

The case grabbed national headlines when after the crash it was determined that one of the victims killed had been misidentified as one of the seriously injured. The driver pleaded guilty to five counts of reckless homicide and four counts of criminal recklessness resulting in serious bodily injury. He was sentenced to eight years in prison with four years suspended. He faced up to twenty-four years in prison.

As public awareness of the consequences of these fatal crashes involving truck drivers has risen, there has been a noticeable increase in news stories regarding criminal prosecutions and civil lawsuits involving truck drivers.

There are many causes for semi-truck involved crashes, but some of the most common causes are:

- Brake problems
- Prescription drug use
- Speeding
- Unfamiliarity with roadway
- Driver fatigue
- Driver distraction

Because semi trucks can weigh anywhere from 10,000 to 160,000 pounds, if one of these big rigs crashes into a passenger vehicle the crash victims may suffer serious or fatal injuries. A significant portion of these crashes are the fault of non-commercial drivers, but many are caused by commercial operators who are operating unsafe vehicles or committing traffic violations. Often, these crashes are caused by commercial motor vehicle drivers who have repeatedly violated safety regulations and who may have repeatedly avoided any real consequences for these violations.

At a minimum, prosecutors and law enforcement must attain a working knowledge of the commercial driver licensing (CDL) laws that affect their cases. For example, it is important to know that in 1986, the United States Congress enacted the Federal Commercial Motor Vehicle Safety Act (FCMVSA) to improve the safety of commercial motor vehicle drivers throughout the nation.

One of the goals of this law was to increase highway safety by removing unqualified commercial motor vehicle drivers from the road. To further strengthen this law, in 1999, Congress passed the Motor Carrier Safety Improvement Act (MCSIA).

One of the major elements of this legislation required the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (USDOT/FMCSA) to specify new CDL disqualification provisions for certain violations committed in passenger cars.

This was the first time that CDL holders would be held responsible for violations committed in vehicles other than trucks. This provision of MCSIA does not apply to all violations committed in a passenger car, just those select few that have been shown consistently to contribute to crashes and fatalities.

The reason for this legislation is straightforward – studies show that people do not change their driving behavior simply because of the vehicle they are driving. Further, CDL holders are, unlike most passenger car drivers, professional drivers. Like police officers, they should be and are held to a higher standard of conduct than the average driver.

Congress has chosen, in the interest of safety, not to distinguish between risk-taking behavior in a passenger car or a truck. States are mandated by MCSIA and USDOT/FMCSA regulations to comply with the CDL disqualification provisions. Failure to do so can have serious consequences. USDOT can decertify a state from issuing CDLs that is found to be in violation of MCSIA.

USDOT can withhold federal road-building funds and commercial vehicle enforcement funds.

In addition, both state and federal law prohibit the masking or diverting of any of the violations contained in the CDL disqualification provisions:

Section 257.732(21) prohibits a court from diverting, masking, or suppressing citations issued to CMV drivers to avoid impacting their CDL.

*Continued on page 10 >*

# SAFETY Network

Continued from page 9 >

49 U.S.C. 31311(a)(19) prohibits a state from masking convictions, using diversion programs or any other disposition that would defer the listing of a guilty verdict on a CDL driver's record.

In the interest of commercial vehicle safety in Michigan, it is strongly recommended that there should be no plea agreements that allow truck drivers to retain their CDL when faced with an OWI disqualification.

For more information on commercial motor vehicle licensing and violations, visit [www.ndaa.org/pdf/CDL%20Monograph.pdf](http://www.ndaa.org/pdf/CDL%20Monograph.pdf).

*For more information on these cases and statutes and PAAM training programs, contact Kenneth Stecker, Traffic Safety Resource Prosecutor, at (517) 334-6060 or e-mail at [steckerk@michigan.gov](mailto:steckerk@michigan.gov). Please consult your prosecutor before adopting practices suggested in this article.*

*Note: I would like to acknowledge the National Traffic Law Center, a program of the National District Attorneys Association. More specifically, I further would like to acknowledge Senior Attorney Kristen Shea, National Traffic Law Center and Joanne Michaels, Program Director, National Traffic Law Center, for providing their assistance with this article.*

## USDOT and Consumer Reports launch partnership to fight distracted driving

The U.S. Department of Transportation (USDOT) and Consumer Reports recently announced a new partnership to educate parents, teachers, and teens about the dangers of distracted driving. Consumer Reports released the results of a new poll that shows younger drivers are more likely to use handheld devices while driving — and less likely to view them as a danger.

A free guide for parents and educators called "Distracted Driving Shatters Lives" is available at the Department of Transportation (DOT)'s web site [distracted.gov](http://distracted.gov) and at [www.consumerreports.org/distracted](http://www.consumerreports.org/distracted). Copies will be distributed to schools and volunteer groups by the National School Safety Coalition.

The USDOT and Consumer Reports also sent a public service announcement to TV stations nationwide, and the guide will be highlighted in a Consumer Reports video to air in retail stores across America.

A new, nationally representative survey by Consumer Reports National Research Center showed how widespread distracted driving is, especially among younger drivers:

- 63 percent of respondents under thirty years old reported using a handheld phone while driving in the past thirty days, and 30 percent of them texted while driving during the same period. That compares with

41 percent and 9 percent, respectively, of respondents who were thirty or older.

- Among the under-thirty respondents, only 36 percent were very concerned about the problem of distracted driving, and only 30 percent felt it was very dangerous to use a handheld phone.

- 64 percent of respondents overall said they had seen other drivers texting using a handheld device in the past thirty days. 94 percent had observed drivers talking on a mobile phone and 58 percent had seen a dangerous driving situation related to a distracted driver in the past month.

- 78 percent of respondents overall said they had reduced or stopped behaviors related to distracted driving. Of that group, 66 percent said they did so because of reading or hearing about the dangers.

The survey was fielded in November 2010 with a total of 1,026 respondents.

According to the USDOT, nearly 5,500 people in the U.S. were killed and almost half a million were injured in crashes related to distracted driving in 2009. Eighteen percent of those fatal crashes involved the use of a cell phone.

## USDOT estimates three percent drop in U.S. traffic fatalities

U.S. Transportation Secretary Ray LaHood recently announced that the number and rate of traffic fatalities in 2010 fell to the lowest levels since 1949, despite a significant increase in the number of miles Americans drove during the year.

According to the National Highway Traffic Safety Administration's (NHTSA) early projections, the number of traffic fatalities fell three percent between 2009 and 2010, from 33,808 to 32,788.

Since 2005, fatalities have dropped 25 percent, from a total of 43,510 fatalities in 2005. The same estimates also project that the fatality rate will be the lowest recorded since 1949, with 1.09 fatalities per 100 million vehicle miles traveled, down from the 1.13 fatality rate for 2009. The decrease in fatalities for 2010 occurred despite an estimated increase of nearly 21 billion miles in national vehicle miles traveled.

A regional breakdown showed the greatest drop in fatalities occurred in the Pacific Northwest states of Washington, Oregon, Idaho, Montana and Alaska, where they dropped by 12 percent. Arizona, California and Hawaii had the next steepest decline, nearly 11 percent.

To view NHTSA's latest statistical projections of traffic fatalities in 2010, including regional estimates, visit [www-nrd.nhtsa.dot.gov/Pubs/811451.pdf](http://www-nrd.nhtsa.dot.gov/Pubs/811451.pdf).

# SAFETY Network

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